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9 **DISCORD INC.**

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 DAVID A. STEBBINS,

13 Plaintiff,

14 v.

15 KARL POLANO, et al.,

16 Defendants.

Case No.: 21-cv-04184-JSW

The Honorable Jeffrey S. White

**DECLARATION OF ELENA DIMUZIO IN
SUPPORT OF OPPOSITION TO MOTION
FOR TEMPORARY RESTRAINING
ORDER**

DECLARATION OF ELENA DiMUZIO

I, Elena DiMuzio, declare as follows:

1. I am Senior Director, Litigation and IP at defendant Discord, Inc. (“Defendant” or “Discord”). I submit this declaration in support of Discord’s opposition to the motion of Plaintiff David A. Stebbins (“Plaintiff”) for a temporary restraining order. I make this declaration based on my personal knowledge, my discussions with Discord employees, and my review of Discord’s business records.

2. Plaintiff has asked for an order requiring Discord to “suspend the privileges” of certain users to “edit or delete any messages within the Great Six server” and to “suspend the privileges of the Discord users SofiannP#1337, TGP482#7412, InitiativeKookie#7766, and VoreKeo777#4172 to edit or delete their direct messages.”

3. On August 27, 2021, Discord created “archives” (snapshot images) preserving the entirety of the server that Plaintiff describes in his Amended Complaint as the “Great Six server” as well as any existing Discord accounts for usernames SofiannP#1337, TGP482#7412, InitiativeKookie#7766, and VoreKeo777#4172 (the “Archives”). Discord is preserving these Archives.

4. No Discord user or any person outside of Discord has access to the Archives or the ability to edit, alter, or destroy their contents. This includes any messages within the Great Six server or any direct messages to or from any of the usernames identified in Plaintiff’s motion (to the extent Discord had this information on August 27, 2021).

5. Discord does not have the ability to suspend users’ privileges solely to edit or delete messages. The only way for Discord to comply with Plaintiff’s request for such relief would be to completely terminate the pertinent users’ accounts.

6. In particular, removing a Discord user’s moderation rights does not prevent that user from deleting the user’s own messages (including direct messages) or posts. The only way to do that is to ban the user, which prevents the user from accessing Discord.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this Declaration was executed on September 7, 2021 at San Francisco, California.



Elena DiMuzio